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November 5, 2020

Texas House of Representatives
House Criminal Jurisprudence Committee
1100 Congress Avenue
Austin, TX 78701

Via Email: tiffany.white_hc@house.texas.gov

Re: House Criminal Jurisprudence Interim Charge #3

The Texas Conference of Urban Counties is pleased to provide comment on Interim Charge #3 regarding indigent defense services and the Texas Indigent Defense Commission.

Since the passage of the Fair Defense Act in 2001, expenditures for defense of indigent persons in criminal cases have increased by more than 230%. Despite assurances the state would increase appropriations as program costs increased, the state has paid, on average, less than 13% of the program costs while county property taxpayers have faced an increased burden each year. To date, counties have paid out almost \$2.7 billion in property taxes for indigent defense since 2001. Worse still, payments from the state continue to decline with less than 11% of program costs being covered by state appropriations in 2019.

Texas county budgets continue to face daunting times. Counties are burdened with state mandated property tax increases like indigent defense costs, while living under state mandated caps limiting their ability to raise funds. Compounding the problems with indigent defense costs is the trend in declining court fee collections. The health emergency has accelerated these trends and has resulted in a substantial drop in revenue.

Many counties, with the encouragement of the Texas Indigent Defense Commission, are moving to public defender offices and managed assigned counsel systems as a cost-containment strategy for providing high-quality representation. These systems are much less costly and minimize the need for increased property taxes as our state appropriations decrease. Yet, the impact of the current language in the State Appropriations Act, Rider 18, discourages counties from utilizing these efficiencies and provisions in the calculation of our No-New-Revenue Rates (NNRR) actually discouraging the use of public defender offices. We urge the Legislature to amend Rider 18 to include both new and existing public defender offices being eligible for the

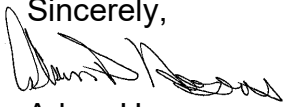
available state funding and allow counties to include the costs of public defender's office within our NNRR calculations.

In addition, we encourage the legislature to approve estimated appropriation authority to the commission, to ensure the funds are used for the intended purposes of providing indigent defense services within our counties. Not only will this increase budget transparency, but it will help address the concerns created by this state mandated property tax increase.

We urge the legislature to fully fund indigent defense in Texas, to remove the financial burden on property taxpayers created by the Fair Defense Act and to remove disparities in representation that result from varying local tax bases.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam Haynes', written over a horizontal line.

Adam Haynes
Policy Director